

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, FEBRUARY 27, 2003

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JOURNAL OF THE SENATE

FORTY-SIXTH CALENDAR DAY
TWENTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 27, 2003

The Senate met in regular session at 8:34 a.m., President Kramer presiding.

Prayer was offered by the Reverend Susan Vergerout, pastor of the First Presbyterian Church in Waterloo, Iowa. She was the guest of Senator Redfern.

The Journal of Wednesday, February 26, 2003, was approved.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 27, 2003, **passed** the following bill in which the concurrence of the House was asked:

Senate File 211, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:38 a.m. until 1:00 p.m. Monday, March 3, 2003.

APPENDIX

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Graduates of Youth Homes of Mid-America accompanied by Executive Director Ron Stiehl. Senator Kramer.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 26, 2003, 3:25 p.m.

Members Present: Miller, Chair; Angelo, Vice Chair; Fraise, Ranking Member; Hosch and Kreiman.

Members Absent: None.

Committee Business: Presentations by the Department of Corrections.

Adjourned: 4:35 p.m.

AGRICULTURE

Convened: February 27, 2003, 11:35 a.m.

Members Present: Behn, Chair; Hosch, Vice Chair; Fraise, Ranking Member; Angelo, Black, Courtney, Houser, Johnson, Kibbie, Putney, Ragan, Seng, Veenstra, and Zieman.

Members Absent: Gaskill (excused).

Committee Business: Passed [SF 147](#).

Adjourned: 11:45 a.m.

COMMERCE

Convened: February 27, 2003, 9:50 a.m.

Members Present: Angelo, Chair; Wieck, Vice Chair; Warnstadt, Ranking Member; Beall, Behn, Bolkcom, Brunkhorst, Kettering, Larson, McCoy, Schuerer, Sievers, and Stewart.

Members Absent: Gronstal and Redfern (both excused).

Committee Business: Approved [SSB 1018](#) (as amended).

Adjourned: 10:00 a.m.

LOCAL GOVERNMENT

Convened: February 27, 2003, 10:35 a.m.

Members Present: Gaskill, Chair; Miller, Vice Chair; Quirnbach, Ranking Member; Angelo, Hatch, Hosch, Houser, Kreiman, McCoy, Seymour, Stewart, and Wieck.

Members Absent: Rehberg (excused).

Committee Business: Passed SFs 104 and 152 and approved [SSB 1069](#). Approved Governor's appointees.

Adjourned: 11:05 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 27, 2003, 2:05 p.m.

Members Present: Houser, Chair; Johnson, Vice Chair; Seng, Ranking Member; Black, Bolkcom, Brunkhorst, Dearden, Holveck, Kettering, Kibbie, Lundby, Wieck, and Zieman.

Members Absent: Drake and Miller (both excused).

Committee Business: Approved SSBs 1081 and 1088 and the Governor's appointee. Presentation on wind power projects.

Adjourned: 2:40 p.m.

STATE GOVERNMENT

Convened: February 27, 2003, 10:35 a.m.

Members Present: Zieman, Chair; Sievers, Vice Chair; Kibbie, Ranking Member; Black, Connolly, Courtney, Dearden, Drake, Ragan, Schuerer, Shull, Tinsman, and Veenstra.

Members Absent: Johnson and Lamberti (both excused).

Committee Business: Approved [SSB 1083](#).

Adjourned: 10:50 a.m.

INTRODUCTION OF RESOLUTIONS

[Senate Concurrent Resolution 7](#), by committee on Government Oversight, a concurrent resolution expressing the appreciation of the

Eightieth General Assembly to the membership of the Program Elimination Commission for their efforts on behalf of the people of Iowa.

Read first time under Rule 28 and **placed on calendar**.

Senate Concurrent Resolution 8, by Hosch, Beall, Quirnbach, Warnstadt, Hatch, Dotzler, Gronstal, Stewart, Connolly, Kibbie, Veenstra, Houser, Wieck, Seymour, Johnson, Rehberg, Ziemann, Brunkhorst, Putney, Lundby, Kettering, Schuerer, Behn, Sievers, Gaskill, Redfern, McKibben, and Iverson, a concurrent resolution supporting the completion of U.S. Highway 20 across northern Iowa and requesting federal assistance.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILLS

Senate File 222, by committee on Human Resources, a bill for an act relating to anatomical gifts including bone marrow and organ donation by state employees and grants from the anatomical gift public awareness and transplantation fund.

Read first time under Rule 28 and **placed on calendar**.

Senate File 223, by committee on Government Oversight, a bill for an act relating to life science enterprises by providing for financing, and providing an effective date.

Read first time under Rule 28 and **placed on calendar**.

Senate File 224, by committee on Judiciary, a bill for an act relating to appeals filed in child in need of assistance and termination of parental rights proceedings.

Read first time under Rule 28 and **placed on calendar**.

Senate File 225, by Angelo, a bill for an act relating to charitable contributions by establishing a community development program to provide tax credits for income tax, franchise tax, premiums tax, and

moneys and credits tax for businesses contributing to community development projects to aid certain neighborhoods and communities, and by establishing an individual income tax credit for contributions to certain qualified endowments, and including effective and applicability date provisions.

Read first time under Rule 28 and referred to committee on **Economic Growth.**

[Senate File 226](#), by Rehberg, a bill for an act relating to disposition of an award of damages in a condemnation proceeding pending appeal of the award to district court.

Read first time under Rule 28 and referred to committee on **Judiciary.**

[Senate File 227](#), by Holveck, Beall, Black, Bolcom, Connolly, Courtney, Dearden, Dotzler, Dvorsky, Fraise, Gronstal, Hatch, Horn, Kibbie, Kreiman, McCoy, Quirnbach, Ragan, Seng, Stewart, and Warnstadt, a bill for an act relating to third-party payment of health care coverage costs for mental health conditions, including substance abuse treatment services.

Read first time under Rule 28 and referred to committee on **Commerce.**

[Senate File 228](#), by Miller, a bill for an act concerning the commission on the status of women by adding men to the scope of the commission and modifying the commission's objectives.

Read first time under Rule 28 and referred to committee on **State Government.**

[Senate File 229](#), by McCoy, a bill for an act providing for a study on a deferred retirement option program for the public safety peace officers' retirement, accident, and disability system and providing an effective date.

Read first time under Rule 28 and referred to committee on **State Government.**

[Senate File 230](#), by committee on Local Government, a bill for an act relating to the procedure for reducing the number of members of a city council from five to three in certain cities.

Read first time under Rule 28 and **placed on calendar.**

[Senate File 231](#), by Warnstadt, a bill for an act relating to a competitively bid contract to provide technical assistance to school districts and community-based organizations that provide mentoring programs to youth and making an appropriation.

Read first time under Rule 28 and referred to committee on **Education.**

[Senate File 232](#), by Lundby, a bill for an act requiring third-party providers of policies, contracts, or plans that provide payment or prepayment of health or medical expenses to provide coverage for neurobiological disorders and underlying co-morbidity based on rates, terms, and conditions that are no more restrictive than the rates, terms, and conditions for other health or medical conditions under the policy, contract, or plan, and providing for studies by the insurance division of the department of commerce, and by the department of public health.

Read first time under Rule 28 and referred to committee on **Commerce.**

[Senate File 233](#), by Boettger and Ragan, a bill for an act relating to mandatory newborn and infant hearing screening.

Read first time under Rule 28 and referred to committee on **Human Resources.**

[Senate File 234](#), by Bolkcom, Hatch, and Dvorsky, a bill for an act relating to the use of marijuana for therapeutic purposes and establishing a marijuana therapeutic research program.

Read first time under Rule 28 and referred to committee on **Human Resources.**

[Senate File 235](#), by committee on State Government, a bill for an act relating to professional licensing boards by providing for the updating of continuing education and regulatory requirements to include specified licensing boards, authorizing specified licensing boards to obtain criminal history data relating to applicants for licensure and licensees, and authorizing the collection of fees for related costs.

Read first time under Rule 28 and **placed on calendar**.

STUDY BILLS RECEIVED

[SSB 1118](#) **Business and Labor Relations**

Concerning public employee collective bargaining.

[SSB 1119](#) **State Government**

Relating to elections and voter registration by implementing requirements of federal law, modifying closing hours of the polls and voter identification requirements, transferring duties relating to conduct of elections and voter registration from the office of secretary of state to the Iowa ethics and campaign disclosure board, and making changes relating to absentee ballot applications, delivery of absentee ballots to the county commissioner of elections, and including effective date provisions.

SUBCOMMITTEE ASSIGNMENTS

[Senate File 196](#)

STATE GOVERNMENT: Dearden, Chair; Lamberti and Shull

[Senate File 206](#)

HUMAN RESOURCES: Schuerer, Chair; Behn and Hatch

[Senate File 210](#)

STATE GOVERNMENT: Johnson, Chair; Dearden and Schuerer

[Senate File 215](#)

HUMAN RESOURCES: Behn, Chair; Hatch and Hosch

[Senate File 216](#)

HUMAN RESOURCES: Schuerer, Chair; Hatch and Veenstra

[Senate File 217](#)

HUMAN RESOURCES: Schuerer, Chair; Horn and McKinley

[House File 206](#)

HUMAN RESOURCES: Veenstra, Chair; Boettger and Ragan

[SSB 1118](#)

BUSINESS AND LABOR RELATIONS: Schuerer, Chair; Courtney and Wieck

[SSB 1119](#)

STATE GOVERNMENT: Ziemann, Chair; Courtney and Sievers

COMMITTEE REPORTS

AGRICULTURE

Final Bill Action: [SENATE FILE 147](#), a bill for an act providing for the administration of funds for animal agriculture, including moneys transferred from and deposited into these funds, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Behn, Hosch, Fraise, Angelo, Black, Courtney, Houser, Johnson, Kibbie, Putney, Ragan, Seng, Veenstra, and Ziemann. Nays, none. Absent, 1: Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNMENT OVERSIGHT

Final Bill Action: [SENATE CONCURRENT RESOLUTION 7 \(SSB 1112\)](#), a concurrent resolution expressing the appreciation of the Eightieth General Assembly to the membership of the Program Elimination Commission for their efforts on behalf of the people of Iowa.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 5: Lundby, Brunkhorst, Courtney, Dvorsky and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [SENATE FILE 223 \(SSB 1074\)](#), a bill for an act relating to life science enterprises by providing for financing, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 5: Lundby, Brunkhorst, Courtney, Dvorsky and Wieck. Nays, none. Absent, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Final Bill Action: *[SENATE FILE 222](#) (formerly [SF 123](#)), a bill for an act relating to anatomical gifts including bone marrow and organ donation by state employees and grants from the anatomical gift public awareness and transplantation fund.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Veenstra, Seymour, Ragan, Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Human Resources Committee on [Senate File 222](#), and they were attached to the committee report.

JUDICIARY

Final Bill Action: *[SENATE FILE 224 \(SSB 1026\)](#), a bill for an act relating to appeals filed in child in need of assistance and termination of parental rights proceedings.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Redfern, Larson, Kreiman, Boettger, Fraise, Holveck, Horn, Kettering, Lamberti, McKibben, Miller, Putney, Quirnbach, and Tinsman. Nays, none. Absent, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on [Senate File 224](#), and they were attached to the committee report.

LOCAL GOVERNMENT

Final Bill Action: [SENATE FILE 104](#), a bill for an act relating to the establishment of multicounty jails, and making an appropriation.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Gaskill, Miller, Quirnbach, Angelo, Hatch, Hosch, Houser, Kreiman, McCoy, Seymour, Stewart, and Wieck. Nays, none. Absent, 1: Rehberg.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [SENATE FILE 152](#), a bill for an act relating to compensation for members of county commissions of veteran affairs.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Gaskill, Miller, Quirnbach, Angelo, Hatch, Hosch, Houser, Kreiman, McCoy, Seymour, Stewart, and Wieck. Nays, none. Absent, 1: Rehberg.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [SENATE FILE 230 \(SSB 1069\)](#), a bill for an act relating to the procedure for reducing the number of members of a city council from five to three in certain cities.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Gaskill, Miller, Quirnbach, Angelo, Hatch, Hosch, Houser, Kreiman, McCoy, Seymour, Stewart, and Wieck. Nays, none. Absent, 1: Rehberg.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: [SENATE FILE 235 \(SSB 1083\)](#), a bill for an act relating to professional licensing boards by providing for the updating of continuing education and regulatory requirements to include specified licensing boards, authorizing specified licensing boards to obtain criminal history data relating to applicants for licensure and licensees, and authorizing the collection of fees for related costs.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Ragan, Shull, Tinsman, and Veenstra. Nays, 1: Schuerer. Absent, 2: Johnson and Lamberti.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 27th day of February, 2003:

[Senate File 211.](#)

MICHAEL E. MARSHALL
Secretary of the Senate

**GOVERNOR'S APPOINTEES PLACED ON
EN BLOC CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

LOCAL GOVERNMENT

Wynema Morris – Iowa Lewis and Clark Bicentennial Commission
Michele Walker – Iowa Lewis and Clark Bicentennial Commission

NATURAL RESOURCES AND ENVIRONMENT

Jerry Peckumn – Environmental Protection Commission

AMENDMENT FILED

[S-3022](#) [S.F. 134](#) Jeff Angelo